

Appln. No. 09/612,869

Attorney Docket No. 10541-2190

II. Remarks

By this paper, Applicants are amending claims 14, 16, 22, 23, 25, 29, 30, 37, 39, and 41. Therefore, after entering this amendment, claims 14 and 16-43 are currently pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the examiner's allowance of claim 21 and the examiner's indication that claims 23, 25-28, 30-34, 37, and 39 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Responsive thereto, claim 22 has been amended to include subject matter of claim 23, and claim 29 has been amended to include subject matter of claim 30, as is discussed in more detail below.

Specification Objections – 35 U.S.C. § 132

The examiner objects to the specification under 35 U.S.C. § 132 as introducing new matter into the disclosure with Applicants' amendment to the specification in a paper filed on August 23, 2004. More specifically, the examiner asserted that the Applicants' prior amendment introduced new matter by replacing the term "is" with the term "may be".

Applicants respectfully assert that the previous amendment beginning on page 5, line 31 of the specification did not introduce new matter and that the objection should be withdrawn. The original application as filed states that "[t]he impregnable layer 30 *can be* made of any suitable material...", thereby disclosing that the impregnable layer *may be* a reticulated pad, a porous pad, or any other type of pad. (page 5, lines 32-33). Applicants' amendment is a clarifying amendment, more specifically stating that the impregnable layer may be either a reticulated pad or a porous pad. (page 5, lines 31-32). The original application as filed states that, "[t]he impregnable layer is a reticulated, or porous, pad" specifying that the pad may be reticulated or porous. The Applicants' prior amendment is merely a rephrasing of

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the original statement. Therefore, no new matter is added, and the objection should be withdrawn.

Applicants respectfully assert that the previous amendment of page 6, line 13 of the specification did not introduce new matter and that the objection should be withdrawn. The original application as filed states that "[t]he non-impregnable layer 32 is made of *any suitable elastomeric foam-type material*. The original Application further states that, "[t]he foam type material is a non-reticulated, opened or closed-cell material, that is impermeable to liquefied resin." (application as filed, page 6, lines 13-14). Applicants' amendment is a clarifying amendment, more specifically stating that the non-impregnable layer may be formed of a non-reticulated material, an opened-cell material, or a closed-cell material. (page 6, lines 14-16). The Applicants' prior amendment is a rephrasing of the original statement, which, when read in its entirety, does not change the context of the amended sentence, but make it more readable. In view of the above, it is submitted that no new matter is added, and the objection should be withdrawn.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claim 41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response thereto, claim 41 has been amended to recite that the pad *extends along only a portion of the substrate*. (Emphasis added). Figures 1, 2, and 4b-4d and page 4, lines 4-14 in the original Application as filed disclose the pad 20 extending only along a portion of the substrate 12. Therefore, no new matter is added and the rejection should be withdrawn.

The Examiner rejected claims 14, 16-20, and 41-42 under 35 U.S.C. § 112, second paragraph, as being indefinite. In response thereto, claim 14 has been amended to recite that the impregnable layer includes a reticulated material *such that at least a portion of the substrate extends into the impregnable layer and extends adjacent to sides of the impregnable layer*, as suggested by the examiner in Office Action mailed November 5, 2004. (Emphasis added). Therefore, the scope of the claim is not unclear and the rejection should be withdrawn.

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Claim Rejections – 35 U.S.C. § 102(b)

The examiner rejected claims 14, 17, 29, 35, 36, 40, 42 and 43 under 35 U.S.C. § 102(b) as being anticipated by *Sommer* (U.S. Patent No. 5,544,912). Responsive thereto, claims 14 and 29 have been amended to recite *the impregnable layer including a reticulated material*. (Emphasis added).

Sommer fails to disclose a reticulated layer as recited in claims 14 and 29. More specifically, *Sommer* discloses a foam border material 42 being an aluminum mesh material that is not reticulated. (*Sommer*, col. 2, lines 16-24, Figure 4). Therefore, *Sommer* fails to anticipate claims 14 and 29 and the claims depending therefrom. Therefore, claims 14, 17, 29, 35, 36, 40, 42 and 43 are allowable and such action is requested.

The examiner rejected claims 22, 24 and 38 under 35 U.S.C. § 102(b) as being anticipated by *Stein et al.* (U.S. Patent No. 5,403,645). Responsive thereto, claim 22 has been amended to recite the impregnable layer *including a reticulated material*. (Emphasis added).

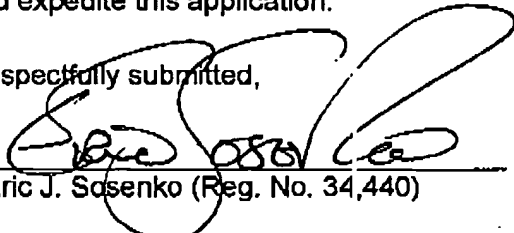
Stein fails to disclose a reticulated layer as recited in claim 22. More specifically, *Stein* discloses a vinyl backing cover 10 having openings 32. (*Stein*, col. 2, lines 28-42, Figure 2). The backing cover 10 does not include a reticulated material, and therefore, *Stein* fails to anticipate claim 22 and the claims depending therefrom. Therefore, claims 22, 24 and 38 are allowable and such action is requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The examiner is invited to contact the undersigned attorney for Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

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Respectfully submitted,


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